IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1138/2006
(Lalita V/s Rajendra Parihar)

Date of Order : 11/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Tribhuwan Gupta for the petitioner.
Mr. Kalu Ram Bhati for the non-petitioner.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks quashing of proceedings under Section 125 Cr.P.C. initiated by non-petitioner.

I have heard learned counsel for the parties.

It is contended by learned counsel for the petitioner that the petitioner is serving as A.N.M. as also the non-petitioner is running a haircutting shop. This fact has not been disputed by learned counsel for the non-petitioner. Thus, it cannot be said that the non-petitioner is unable to maintain himself.

Since the petitioner is running a haircutting shop,

therefore, he is well in position to maintain himself. In the circumstances, therefore, to allow the proceedings under Section 125 Cr.P.C. seeking monthly allowance of maintenance against the wife by the non-petitioner husband to stand, would be nothing but abuse of the process of the Court.

In this view of the matter, the petition is allowed. The proceeding under Section 125 Cr.P.C. initiated by the non-petitioner husband against the petitioner wife before the family Court, Jodhpur being Case No. 52/04 stands quashed. Stay petition also stands disposed of.

(H.R.PANWAR),J.

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